

KEVIN V. RYAN (CSBN 118321)  
 United States Attorney  
 JAY R. WEILL (CSBN 75434)  
 Assistant United States Attorney  
 Chief, Tax Division  
 9th Floor Federal Building  
 450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-7017

Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**CAROL LINDSAY (aka CAROL LE  
 MARQUAND); STATE OF CALIFORNIA,  
 FRANCHISE TAX BOARD; COUNTY OF  
 SANTA CRUZ, OFFICE OF TAX  
 COLLECTOR,**

**Defendants.**

**No. C-06-5397-JW-HRL**

**APPLICATION TO CONTINUE  
 CASE MANAGEMENT  
 CONFERENCE AND ORDER**

**DATE: DECEMBER 18, 2006  
 TIME: 10:00 A.M.**

This is an action filed on August 31, 2006 by the government seeking to reduce to judgment federal income taxes owed by defendant taxpayer Carol Lindsay and to foreclose certain tax liens on real property owned by the defendant to collect those taxes. Carol Lindsay was served with a summons and complained by certified mail on September 8, 2006. She has not responded to the complaint. On November 9, 2000 the Clerk declined to enter her default because she had not been personally served. On November 17, 2006 her roommate, Linda Griswold, was personally served with a summons and complaint at defendant's residence. If the defendant taxpayer does not respond to the complaint, then the government will again request the Clerk to enter default judgment against the taxpayer. Upon default judgment being entered, the government will request this Court by motion to enter an order of foreclosure of the real property.

///

1 Accordingly, we request the Court to continue the Case Management Conference to  
2 March 19, 2007 to allow the government time to file the above request and motion. Counsel for  
3 the State of California has no objection.

4 Respectfully submitted,

5 KEVIN V. RYAN  
6 United States Attorney

7  
8 /s/ Jay R. Weill  
9 JAY R. WEILL  
Assistant United States Attorney  
Chief, Tax Division

10 **ORDER**

11 Upon application of the United States, the Case Management Conference is continued to  
12 March 19, 2007 at 10:00 a.m.

13  
14 Date: December 7th, 2006

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
United States District Judge